

AMGEN, INC. v. AFOTEX, INC.

Civ. Action No. 22-3827(MAS)

SCHEDULING ORDER

Event	Date
Parties Exchange Disclosures Required by Fed. R. Civ. P. 26(a)(1)	December 6, 2022
Plaintiff Serves "Disclosure of Asserted Claims" (L. Pat. R. 3.6(b))	December 6, 2022
Deadline to Submit Proposed Discovery Confidentiality Order (L. Pat. R. 2.2)	December 13, 2022
Production of Defendant's ANDA Product samples and DMFs	TBD
Defendants Serve Non-Infringement Contentions and Invalidity Contentions and Produce Underlying Documents (L. Pat. R. 3.6(c)-(f))	January 20, 2023
Plaintiff Serves Responses to Invalidity Contentions and Disclosure of Infringement Contentions and Produce Underlying Documents (L. Pat. R. 3.6(g)-(i))	March 7, 2023
Plaintiff to produce documents, Plaintiffs' interrogatory responses, the transcripts for fact depositions of Amgen and Celgene employees and representatives, and the transcripts for third-party depositions from <i>Amgen Inc. v. Sandoz Inc. et al.</i> , No. 3:18-cv-11026-MAS-DEA (D.N.J.), to the extent consistent with the prior case's Discovery Confidentiality Order	March 6, 2023
Parties Exchange Claim Terms to be Construed (L. Pat. R. 4.1(a))	March 21, 2023
Parties Exchange "Preliminary Claim Constructions" and Identify Supporting Intrinsic and Extrinsic Evidence (L. Pat. R. 4.2(a)-(b))	March 27, 2023
Parties to Exchange Identification of Intrinsic and Extrinsic Evidence in Opposition to Other Party's Proposed Constructions (L. Pat. R. 4.2(c))	April 10, 2023
Parties to File Joint Claim Construction and Prehearing Statement (L. Pat. R. 4.3)	April 26, 2023
Status Conference (via telephone or in-person)	May 24, 2023 at 10:00 AM/PM; (Plaintiff shall initiate)

Completion of Fact Discovery Relating to Claim Construction, including Depositions of Non-Expert Witnesses Identified in Claim Construction Exchanges (L. Pat. R. 4.4)	May 26, 2023
Parties to Simultaneously File Opening <i>Markman</i> Briefs (L. Pat. R. 4.5(a))	June 12, 2023
Completion of Expert Discovery Relating to Opening <i>Markman</i> Briefs (L. Pat. R. 4.5(b))	July 12, 2023
Parties to File Responsive <i>Markman</i> Briefs (L. Pat. R. 4.5(c))	August 11, 2023
Status Conference (via telephone or in-person)	August 15, 2023 at 10:00 AM/PM; (Defendant shall initiate)
Parties to Submit Proposed Claim Construction Hearing Schedule (L. Pat. R. 4.6)	August 25, 2023
Substantial Completion of Document Production	TBD
<i>Markman</i> Hearing	TBD
<i>Markman</i> Ruling	TBD
Any party, if relying upon advice of counsel as part of a patent-related claim or defense for any reason, to produce discovery related thereto for which the attorney-client and work product protection have been waived and to serve a privilege log (L. Pat. R. 3.8)	October 6, 2023
Deadline to Seek Leave to Amend Pleadings or Join Parties	October 6, 2023
Status Conference (via telephone or in-person)	October 18, 2023 at 10:00 AM/PM; (Plaintiff shall initiate)
Close of Fact Discovery	November 3, 2023
Opening Expert Reports on issues for which the party bears the burden of proof (including objective indicia)	January 12, 2024
Rebuttal Expert Reports	February 23, 2024
Status Conference (via telephone or in-person)	March 15, 2024 at 10:00 AM/PM; (Defendant shall initiate)
Close of Expert Discovery	April 5, 2024
Opening Dispositive and <i>Daubert</i> Motions	April 19, 2024
Oppositions to Dispositive and <i>Daubert</i> Motions	May 3, 2024
Replies for Dispositive and <i>Daubert</i> Motions	May 10, 2024

Submission of Joint Pretrial Order	May 24, 2024
Pretrial Conference	TBD
Trial	TBD
Expiration of Hatch-Waxman Stay	November 6, 2024

Following the Rule 16 conference on Nov. 29, 2022,
this schedule is:

So Ordered -
DS/Spur. mms